



WEB COPY

W.P.No.20905 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20905 of 2023

V.Renugadevi

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Vella Kovil,
Tirupur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to registered the Compromise Decree made in I.A.No.1313 of 2001 in O.S.No.192 of 2001 dated 29.10.2001 by considering the Petitioner's representation dated 20.01.2023.

For Petitioner

: Mrs.U.Parvathavarthini

For Respondent

: Mr.G.Krishna Raja
Additional Government Pleader



WEB COPY

W.P.No.20905 of



ORDER

The relief sought for in the present writ petition is to direct respondent to register the Compromise Decree made in I.A.No.1313 of 2001 in O.S.No.192 of 2001 dated 29.10.2001 by considering the Petitioner's representation dated 20.01.2023.

2. The petitioner states that he filed a partition suit in O.S.No.192 of 2001 on the file of the District Munsif Court at Kangayam and the matter was settled between the parties and a Compromise Decree was passed by the District Munsif Court on 29.10.2010 in I.A.No.1313 of 2001 in O.S.No.192 of 2001. The petitioner was granted the land measuring 2.75 acres in S.F.No.877 and S.F.No.1228/3 at Rasathavalasu Village, Kangayam Taluk, Tiruppur District. The petitioner has decided to register the decree and presented the Compromise Decree before the Sub Registrar on 20.01.2023. However, the Registering Authority orally informed the petitioner that the decree was of the year 2010 and therefore, it cannot be registered.

3. The issues relating to delay in registering the decree of the Civil Court is no more res integra and the Hon'ble Division Bench of this Court in



the case of **S.Sarvothaman vs. The Sub-Registrar, Oulgaret, Pondicherry**

reported in **(2019) 2 CWC 314**, held as follows:

WEB COPY

“14. This question is no more res integra and this Court has consistently held that the law of limitation will not apply when a court decree is presented for registration. Earliest of the decisions, which has been followed consistently by a Division Bench of this Court is in the case of A.K.Gnanasankar Vs Joint-II Sub-Registrar, Cuddalore-2 [reported in 2007 (2) TCJ 68]. In the said decision, this Court held that the limitation prescribed for presenting a document does not apply to a decree to a decree, as it is a permanent record of the court and to register the same, no limitation is prescribed.”

4. Thus, the respondent is directed to proceed with the registration of the Compromise Decree presented by the writ petitioner for registration by following the procedures as contemplated under the Statute and Rules in force and within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.No.20905 of



5. With the above directions, this Writ Petition stands allowed. No costs.

14.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

The Sub Registrar,
Office of the Sub Registrar,
Vella Kovil,
Tirupur District.



WEB COPY



W.P.No.20905 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.20905 of 2023

14.07.2023